

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
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*This document relates to:*

*Continental Casualty Co., et al. v. Al Qaeda Islamic Army, et al., Case No. 04-CV-5970  
(S.D.N.Y.)*

**STIPULATION AND ORDER REGARDING SCHEDULE TO  
RESPOND TO COMPLAINT CONSOLIDATED UNDER MDL 1570**

It is HEREBY STIPULATED AND AGREED, by and between Plaintiffs in the above-referenced case consolidated under 03 MDL 1570 and Defendants Ahmed Totonji, Grove Corporate, Heritage Education Trust, Iqbal Unus, M. Omar Ashraf, M. Yaqub Mirza, Mohammed Jaghli, Muhammad Ashraf, Sterling Charitable Gift Fund, Sterling Management Group, African Muslim Agency, Mar-Jac Investments, Inc., Mena Corporation, Reston Investments, Inc., Safa Trust, and York Foundation (collectively, "Defendants"), by and through their undersigned counsel, subject to the approval of the Court, as follows:

1. The Court previously approved Stipulations by and between counsel for Plaintiffs and defendants Ahmed Totonji, Grove Corporate, Heritage Education Trust, Iqbal Unus, Jamal Barzinji, M. Omar Ashraf, Muhammad Ashraf, M. Yaqub Mirza, Mohammad Jaghli, Sterling Charitable Gift Fund, and Sterling Management Group to respond to Plaintiffs' complaint on or before March 28, 2005.

2. Currently pending before the Court are three separate motions to dismiss relating to the Defendants in other consolidated cases: (1) a motion to dismiss in *Burnett v. Al Baraka Investment and Development Group, et al.*, brought by defendants African Muslim Agency, Grove Corporate, Heritage Education Trust, International Institute of Islamic Thought, Mar-Jac

Investments, Reston Investments, Safa Trust, and York Foundation; (2) a motion to dismiss in *Ashton v. Al Qaeda Islamic Army, et al.* brought by the International Institute of Islamic Thought; and (3) a motion to dismiss in *Federal Insurance Company v. Al Qaeda, et al.* brought by Iqbal Unus, Jamal Barzinji, M. Omar Ashraf, M. Yaqub Mirza, Muhammad Ashraf, and Taha Al-Alwani (the "Pending Motions"). The Court was fully briefed and heard argument on the Pending Motions on October 12 and 14, 2004, and took them under submission at that time.

3. In the interests of judicial economy and to avoid duplicative motions involving similar allegations, it is hereby stipulated and agreed that Defendants shall have thirty (30) days from the date on which the Court decides the Pending Motions to answer or otherwise respond to Plaintiffs' complaint in the above-referenced case.

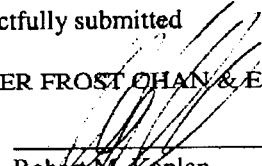
4. Plaintiffs shall have sixty (60) days from the date on which it is served with Defendants' responsive pleadings to file a response, if any. Defendants shall have twenty-one (21) days thereafter to file a reply to Plaintiffs' opposition.

5. This stipulation supersedes all previous stipulations between Plaintiffs and any Defendant.

Respectfully submitted

FERBER FROST OHAN & ESSNER, LLP

By:

  
Robert M. Kaplan  
530 Fifth Avenue, 23rd Floor  
New York, New York 10036-5101

*Attorneys for Plaintiffs*

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DLA PIPER RUDNICK GRAY CARY US LLP

By: Christopher J. Beal  
Christopher J. Beal  
4365 Executive Drive  
Suite 1100  
San Diego, CA 92121

*Attorneys for Defendants*

SO ORDERED:

Richard Conway Case  
RICHARD CONWAY CASEY, U.S.D.J.

Dated: April 11, 2005

JF